

BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
IN AND FOR THE STATE OF UTAH

IN THE MATTER OF THE APPLICATION OF	*	CONSENT ORDER
CO-OP MINING COMPANY FOR REVIEW AND	*	
HEARING REGARDING ISSUED MINING	*	ACT/015/025
VIOLATIONS DESCRIBED AS		

This cause came on for hearing before the Board of Oil, Gas and Mining on Thursday, August 25, 1983, in the Auditorium of the Department of Natural Resources, 1636 West North Temple, Salt Lake City, Utah.

The following Board members were present and participated at the hearing:

Gregory P. Williams, Chairman
John M. Garr
Charles R. Henderson
Richard B. Larsen
Constance K. Lundberg
E. Steele McIntyre

Also present and participating in the hearing were:

Barbara Roberts, Esq., Assistant Attorney General

NOW THEREFORE, the Board having considered the requests of the parties makes and enters the following:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Due and regular notice of the date, place, and purpose of the hearing was given to all interested parties as required by law and the rules and regulations.
2. The Board has jurisdiction over the matter covered by said notice and over all parties interested therein, and has jurisdiction to make and promulgate the Order hereinafter set forth.
3. The Board accepts the following facts agreed upon by the parties:
 - a. It was adequately demonstrated to the Division of Oil, Gas and Mining by Co-Op Mining that the haul road was the subject litigation between Co-Op and Emery County to determine ownership at the time the violations were issued and that such litigation has since been settled; and
 - b. That, as a result of such settlement, Co-Op controls the upper portion of the haul road and Emery County controls the lower portion with the dividing line being a gate approximately .25 miles down from the mine site; and

c. That, as a result of the settlement agreement, Co-Op will maintain the lower and upper portions of the road according to standards set out by Emery County and the Division of Oil, Gas and Mining.

ORDER

It is therefore ordered that:

1. Violations N83-1-2-3, 1 of 3, 2 of 3 and 3 of 3 are hereby vacated.
2. Co-Op shall obtain a permit on the upper portion of the haul road within 90 days from August 25, 1983; and
3. Co-Op shall maintain the lower portion of the haul road according to the performance standards promulgated pursuant to Section 40-10-1 et. seq., U.C.A., as amended with enforcement of such standrads to begin 90 days from written issuance of Emery County approved to proceed on the improvements; and
4. Failure to comply with this order shall result in a \$750.00 per day fine for each day thereafter that such non-compliance continues, except that for each day the Division is in receipt of any submittals pursuant to achieving compliance with this Order, one day shall be added to the initial 90 day compliance period.

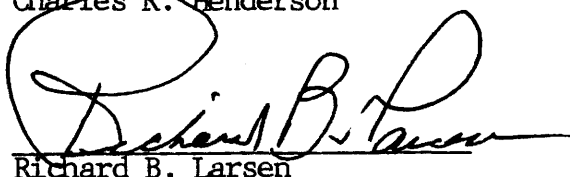
DATED this 27th day of October, 1983.

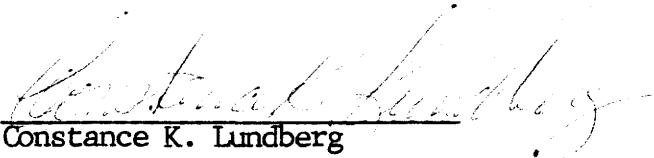
STATE OF UTAH
BOARD OF OIL, GAS AND MINING

Gregory P. Williams, Chairman


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